

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

In re:	:	Chapter 11
	:	
EXIDE TECHNOLOGIES,	:	Bk Case No. 13-11482 (MFW)
	:	
Reorganized Debtor.	:	
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	:	
SOUTH COAST AIR QUALITY	:	
MANAGEMENT DISTRICT,	:	
	:	
Appellant,	:	
	:	
v.	:	C. A. No. 19-891-LPS
	:	BAP No. 19-31
EXIDE TECHNOLOGIES,	:	
	:	
Appellee.	:	

**RECOMMENDATION**

At Wilmington this 17<sup>th</sup> day of **June, 2019**.

WHEREAS, pursuant to paragraph 2(a) of the Procedures to Govern Mediation of Appeals from the United States Bankruptcy Court for this District dated September 11, 2012, the court conducted an initial review, which included information from counsel, to determine the appropriateness of mediation in this matter;

WHEREAS, as a result of the above screening process, the issues involved in this case are not amenable to mediation and mediation at this stage would not be a productive exercise, a worthwhile use of judicial resources nor warrant the expense of the process.

This appeal is from the Bankruptcy Court's denial of the Appellant's Discharge Motion and the Administrative Claim Objection, which sustained Appellee's Administration Claim Objection on April 30, 2019. Although the Bankruptcy Court also adjudicated a third matter, the Relation Back Motion, that decision is not the subject of this appeal.

Prior to the Bankruptcy Court's decision, the parties engaged in extensive mediation with the Honorable Scott C. Clarkson, United States Bankruptcy Judge for the Central District of California. This mediation to not result in an agreement, and neither party believes that further efforts would be beneficial at present. The parties request that this matter be removed from mandatory mediation, proceed through appellate process and request the following brief schedule below be entered for this appeal:

District/Appellant's Opening Brief	August 30, 2019
Exide/Appellee's Answering Brief	November 1, 2019
District/Appellant's Reply Brief	December 6, 2019.

THEREFORE, IT IS RECOMMENDED that, pursuant to paragraph 2(a) Procedures to Govern Mediation of Appeals from the United States Bankruptcy Court for this District and 28 U.S.C. § 636(b), this matter be withdrawn from the mandatory referral for mediation and proceed through the appellate process of this Court. No objections to this Recommendation pursuant to 28 U.S.C. § 636(b)(1)(B), FED. R. CIV. P. 72(a) and D. DEL. LR 72.1 are anticipated.

Local counsel are obligated to inform out-of-state counsel of this Order.

/s/ Mary Pat Thyng  
Chief U.S. Magistrate Judge Mary Pat Thyng